

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

MATTHEW RITTER,)	
)	
Plaintiff,)	3:12-cv-00194-LRH-(WGC)
)	
v.)	
)	<u>ORDER</u>
MIKE MARSHOWSKI, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

Before this Court is the Report and Recommendation of U.S. Magistrate Judge William G. Cobb (#29¹) entered on June 2, 2015, recommending that Plaintiff be permitted to proceed on certain claims, and that various defendants be dismissed. No objection to the Report and Recommendation has been filed. The action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)B and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (#29) entered on June 2, 2015, should be adopted and accepted.

¹Refers to court's docket number.

1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#29)
2 entered on June 2, 2015, is adopted and accepted, and Plaintiff may PROCEED on the amended
3 complaint with his claims for violations of his Fourth and Fourteenth Amendment rights including
4 malicious prosecution and fabrication of evidence against defendants Marshowski, Hughes, Hildreth,
5 Galleti, and Gensel.

6 IT IS FURTHER ORDERED that defendant Tyler Springs is DISMISSED from this action
7 WITH PREJUDICE.

8 IT IS FURTHER ORDERED that defendants Elko and Elko County are DISMISSED from this
9 action WITHOUT PREJUDICE; however, Plaintiff is hereby given thirty (30) days to file a second
10 amended complaint to cure the deficiencies noted in the Report and Recommendation with respect to
11 Elko and Elko County. Plaintiff is NOT GIVEN leave to amend in any other respect. Plaintiff is
12 advised that the second amended complaint is to be complete in and of itself without reference to any
13 previous complaint. Any allegations, parties or requests for relief from prior pleadings that are not
14 carried forward in the second amended complaint will no longer be before the court. Plaintiff is to
15 clearly title the amended pleading as the second amended complaint by placing the words "SECOND
16 AMENDED COMPLAINT" on page 1 in the caption, and is to place the case number above that title.
17 Plaintiff is cautioned that if he fails to file an amended complaint within the time period specified
18 above, the claims against Elko and Elko County will be dismissed with prejudice and the action will
19 proceed on the amended complaint.

20 IT IS FURTHER ORDERED that the issue of service shall be addressed once the deadline for
21 filing the amended complaint runs, or Plaintiff files an amended complaint, whichever occurs first.

22 IT IS SO ORDERED.

23 DATED this 13th day of July, 2015.

24 
25 LARRY R. HICKS
26 UNITED STATES DISTRICT JUDGE